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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,444	09/16/2004	Goetz Scheffler	PW/3-22643/A/PCT	7657

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EXAMINER

BALASUBRAMANIAN, VENKATARAMAN

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/508,444	Applicant(s) SCHEFFLER ET AL.	
	Examiner Venkataraman Balasubramanian	Art Unit 1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 and 14-16 are pending after entering the preliminary amendment filed on 9/16/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebkuecher et al., US 3,663,538.

Lebkuecher et al. teaches several triaziinylaminostilbene sulfonic acids with alkylamino and quaternary ammonium groups in the side of the substituents on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims. See formula I on column 2 and note the definition of various variable groups. See the process for making which is same as shown in instant claim 8. See column 12 through 20 including Table I for various compounds made.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Blazer et al., US 3,757,010.

Blazer et al. teaches several triaziinylaminostilbene sulfonic acids with quaternary ammonium groups in the side of the substituents on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims. See formula I on column 2 and note the definition of various variable groups.

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See the process for making which is same as shown in instant claim 8 on column 5 through 7. See column 7 through 16 including Table I-3 for various compounds made.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schussler et al., CA 2020666.

Schussler et al. teaches several triaziinylaminostilbene sulfonic acids with aminoalkylamino groups and heterocyclic group attached through nitrogen in the side of the substituents on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims. See page 1, formula I and note the definition of various variable groups. Note especially NXY includes groups embraced in the instant B₁, B₂, D₁ and D₂ definitions. See pages 5-8 for examples 1-5, for various compounds made.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckhardt et al., US 5,945,396.

Eckhardt et al. teaches several triaziinylaminostilbene sulfonic acids with alkylaminoalkylamino or quaternary ammonium group bearing alkylamino in the side of the substituents as well as piperazine group on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims. See formula I on column 2 and note the definition of various variable groups. Especially note R_c and R_d definitions include groups embraced in the instant B₁, B₂, D₁ and D₂ definitions. See column 3- through column 7 for preferred embodiments of the invention. See specifically see column 7 through 18 for various examples of the compounds made., which include instant compounds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebkuecher et al., US 3,663,538.

Teachings of Lebkuecher et al., as discussed in the above 102 rejections are incorporated herein. As noted above Lebkuecher et al., teaches triaziinylaminostilbene sulfonic acids with alkylamino and quaternary ammonium groups in the side of the substituents on the triazine ring for the same use as optical brighteners and includes compounds claimed in the instant claims.

Although Lebkuecher et al., exemplify several compounds, they do not disclose all compound generically claimed. However, Lebkuecher et al., teaches equivalency of those compounds exemplified in the examples with those generically claimed in definition of various variable groups for triaziinyl aminostilbene sulfonic acids with alkylamino and quaternary ammonium bearing alkylamino groups.

Thus it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make compounds variously substituted in triazine ring and the aryl ring as permitted by the reference and expect resulting compounds (instant compounds) to possess the uses taught by the art in view of the equivalency teaching outline above.

Claims 1-3, 8-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blazer et al., US 3,757,010.

Teachings of Blazer et al., as discussed in the above 102 rejections are incorporated herein. As noted above, Blazer et al., teaches triaziinylaminostilbene sulfonic acids with alkylamino and quaternary ammonium groups in the side of the substituents on the triazine ring for the same use as optical brighteners and includes compounds claimed in the instant claims.

Although Blazer et al., exemplify several compounds, they do not disclose all compound generically claimed. However, Blazer et al., teaches equivalency of those compounds exemplified in the examples with those generically claimed in definition of various variable groups for triaziinyl aminostilbene sulfonic acids with alkylamino-and and quaternary ammonium bearing alkylamino groups.

Thus it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make compounds variously substituted in triazine ring and the aryl ring as permitted by the reference and expect resulting compounds (instant compounds) to possess the uses taught by the art in view of the equivalency teaching outline above.

Claims 1-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schussler et al., CA 2020666.

Teachings of Schussler et al., as discussed in the above 102 rejections are incorporated herein. As noted above, Schussler et al. teaches several triaziinylaminostilbene sulfonic acids with aminoalkylamino groups as heterocyclic group

attached through nitrogen in the side of the substituents on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims.

Although Schussler et al., exemplify several compounds, they do not disclose all compound generically claimed, particularly the piperazine compound embraced in NXY definition. However, Schussler et al., teaches equivalency of those compounds exemplified in the examples with those generically claimed in definition of various variable groups for triaziinyl aminostilbene sulfonic acids with alkylamino- and quaternary ammonium bearing alkylamino groups.

Thus it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make compounds variously substituted in triazine ring and the aryl ring as permitted by the reference and expect resulting compounds (instant compounds) to possess the uses taught by the art in view of the equivalency teaching outline above.

Claims 1-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhardt et al., US 5,945,396.

Teachings of Eckhardt et al., as discussed in the above 102 rejections are incorporated herein. As noted above, Eckhardt et al. teaches several triaziinylaminostilbene sulfonic acids with alkylaminoalkylamino or quaternary ammonium group bearing alkylamino in the side of the substituents as well as piperazine group on the triazine ring for the same use as optical brighteners, which include compounds claimed in the instant claims.

Although Eckhardt et al., exemplify several compounds, they do not disclose all compound generically claimed. However, Eckhardt et al., teaches equivalency of those compounds exemplified in the examples with those generically claimed in definition of various variable groups for triaziinyl aminostilbene sulfonic acids with alkylamino-and and quaternary ammonium bearing alkylamino groups as well as piperazine groups.

Thus it would have been obvious to one having ordinary skill in the art at the time of the invention was made to make compounds variously substituted in triazine ring and the aryl ring as permitted by the reference and expect resulting compounds (instant compounds) to possess the uses taught by the art in view of the equivalency teaching outline above.

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (571) 272-0662. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Acting Supervisory Patent Examiner (SPE) of the art unit 1624 is James O. Wilson, whose telephone number is 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAG. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

Venkataraman Balasubramanian
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8/24/2005